

OLC RECORD COPY

OLC 78-3338

20 November 1978

OSC

MEMORANDUM FOR: Acting Legislative Counsel
FROM :
Assistant Legislative Counsel
SUBJECT : "Office of Classified National
Security Information"

1. Action Requested: Paragraph five contains a recommendation for your consideration.

2. Background: Public Law 95-391, Section 105 (attached) establishes, within the Office of the Secretary of the Senate, a new office to be known as the "Office of Classified National Security Information" (OCNSI).

3. The OCNSI, amongst other responsibilities, has "the responsibility for safeguarding such restricted data and such other classified information as any Committee of the Senate may from time to time assign to it." (Sec. 105(a)).

In order to fulfill this safeguarding responsibility Sec. 105(b)(3) grants the OCNSI the authority "to establish and operate a central repository in the United States Capitol for safeguarding of restricted data and other classified information for which such Office is responsible."

4. Analysis: This, in effect, provides for a place in which Congressional Committees, having control over classified information, may store, in a secure manner, the same.

5. It is the opinion of the undersigned, as the OCNSI serves as a mere bailee of the tendered information, having no right or power of further dissemination, destruction or anything other than possessory control, that the same security restrictions applicable to CIA information provided to Congressional Committees such as the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence would pertain to the OCNSI.

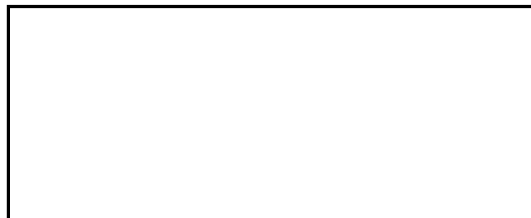
6. Recommendation: As the power of transfer of information to OCNSI lies solely with the tendering Committee (s) of Congress it is recommended that we meet and discuss this matter in consideration of appropriate action relative to the following points:

a. Do the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence intend to make use of said OCNSI facilities?

b. Do we, the Office of Legislative Counsel, wish to take the position that (1) we have no objections to our Committees transferring material or (2) in the alternative do we prefer (insist) that material supplied by CIA remain with the receiving Committee or if no longer required be returned to CIA?

c. If b. (1) were to be the preferred course we should consider ways in which we might receive a commitment that (1) we will be notified in advance of material to be transferred to OCNSI and the reason why it would not be best to simply return the documents to CIA and (2) that we will be granted authority to inspect OCNSI facilities in order to assist and ensure that the facilities meet the security requirements inherent in retention of CIA material by the Congress.

I remain available to discuss this matter with you at your convenience.



STA

Attachment

Distribution

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OLC:MDC:sf (20 November 1978)

(c) No employee shall be promoted to a position of greater responsibility unless such employee has attained the minimum age of 25 years and is being promoted to a position so occupied, except by the Senate or the Sergeant at Arms.

Travel expenses
of Sergeant of
Arms and
Doorkeeper of
the Senate.